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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,930	03/05/2002	Edmond Ken Lee	M-12577 US	7076

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BINGHAM, MCCUTCHEN LLP
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EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/091,930

Applicant(s)
Lee, et al.

Examiner
Robert J. Sandy

Art Unit
3677



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 Mar 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 10, and 13 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 & 4 6) ☐ Other:

file copy

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Recitation of "wherein said portion of the golf club is a shaft" fails to further limit the claimed clip of claim 1 since the subject matter pertaining to "the golf club" is not positively cited as evidence in the preamble to claim 1 to the intended use language of "to attach a towel to a golf club".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (U.S. Patent No. 4,993,126). Collins ('126) discloses a clip (holder 20) comprising: a body with a first aperture (15); and a second aperture (30); (concerning claim 2) a fastener (i.e., "fixing of the holder shown * * * could be accomplished by * * * riveting or otherwise securing leg members 21 and 22 together at their lower ends. A preformed hole 46 may be provided for this purpose."; column 3, lines 2-6) adapted to be inserted at least partially through the second aperture; (concerning claim 4) the fastener is a rivet (i.e., "riveting"; column 3, line 4); and (concerning claim 9) at least a portion of said body is made of plastic ("thermoplastics", column 3, line 11).

4. Claims 1, 2, 4, 5, 6, 7, 9, 10 and 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Evans (U.S. Patent No. 5,671,515). Evans ('515) discloses a clip (10) to attach a towel, the clip comprising: a body (members 11 and 12) with a first aperture (looped portion of

member 12 as shown in Fig. 9) adapted to receive a portion of a golf club and a second aperture (defined between lips 13 and 15 of member 11) to receive a towel (23);

(concerning claim 2) a fastener (locking rivet 14) is adapted to be inserted at least partially through the second aperture for fastening the towel to the clip;

(concerning claim 4) the fastener is a rivet (locking rivet 14);

(concerning claim 5) a towel (23) is inserted into the second aperture and fastened to the clip;

(concerning claim 7) bendable tongs surrounding said first aperture (i.e., the loop 40 is provided by bending clasp 10);

(concerning claim 9) at least a portion of said body is made of plastic (i.e., "plastic material"; column 2, line 57); and

(concerning claim 10) a towel (23) attached to said clip by a fastener (rivet 14) inserted through said second aperture.

Concerning claim 13, Evans ('515) discloses a clip (10) to attach a towel to a golf club, the clip comprising: a body (members 11 and 12) with a first aperture (looped portion of member 12 as shown in Fig. 9) adapted to receive a portion of a golf club and a second aperture ("rivet-receiving aperture 16" of member 11; column 2, line 62) adapted to receive a fastener (locking rivet 14) situated to attach a towel (23) to the clip.

Allowable Subject Matter

5. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 14 - 17 are allowed over the prior art of record.

7. The following is an examiner's statement of reasons for allowance: regarding claim 14, the prior art of record fails to teach or suggest a method for attaching a towel to a portion of a golf club, having the combination steps of attaching a clip body to a portion of a golf club, wherein said clip body has a first aperture adapted to receive a golf club and wherein said clip body has a towel attached to it.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is (703) 305-7413. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703)306-4115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

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or faxed to: 703-872-9326, for formal communications for entry before Final action.

For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**" and fax to: 703-746-3767, and notify the examiner by telephone that a fax has been sent.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).


ROBERT J. SANDY
PRIMARY EXAMINER